

## CIVIL DOCKET

67-C-127

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>ALEX L. KALLAY; M. MURRAY McCUNE; GORDON A. McCUNE and REX D. FRATES,</p> <p>vs</p> <p>COMMUNITY NATIONAL LIFE INSURANCE COMPANY, a corporation; JIMMIE J. RYAN; ANDRESEN &amp; Co., Incorporated, a corporation, and LYNDON L. PEARSON</p> <p>vs</p> <p>Insurance Company of North America, a corp. 3rd Party Defendant</p> <p>Joe B. Hunt, Receiver, Community National Life Insurance Company, Receiver</p> <p>Ainlie Perrault (Garnishee) 500 West 7th, Tulsa, Okla.</p> <p>Robert J. Petrick (Ins. Co. of No. Amer.) 405 Investors Capital Bldg Oklahoma City, Oklahoma</p>		<p>For plaintiff:</p> <p>F. Paul Thieman, Jr. 11-3 Southland 707 Franklin Building Financial Center Tulsa, Oklahoma 74103 4111 S. Darling ton, Tulsa 7413</p> <p>Edwin Kronfeld Suite 1100, 1140 Connecticut Ave. Washington, D.C. 20036</p> <p>For Defendants:</p> <p>James O. Ellison &amp; L. K. Smith (587-0005) 914 World Building, Tulsa</p> <p>Greer &amp; Greer, 205 Pythian Building Tulsa, Okla. 74103</p> <p>For defendant:</p> <p>Doerner, Stuart, Moreland, Saunders &amp; Daniel 1200 Atlas Life Building Tulsa, Oklahoma 74103</p> <p>Theodore R. Finder, and Beekman &amp; Bogue, 5 Hanover Square New York, N. Y. 10004</p> <p>Cleeta John Rogers, &amp; A. Bob Jordan United Founders Tower, 3201 N.W. 63rd St Oklahoma City, Okla., 73116</p> <p><del>Dickey, Kennon, Lamm &amp; Hatfield</del> <del>200 Community Insurance Center</del> <del>Tulsa, Okla. 74103 LU 7-2166</del></p> <p>Boesche, McDermott &amp; Eskridge, 1300 National Bank of Tulsa Bldg., Tulsa, Okla., 74103</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-67	Clerk	1967 7-14	Thieman	15 00	15 00
J.S. 6 mailed 12-1-71	Marshal	7-20 1971	C/D 3		
Basis of Action: Recission of contract for pur- chase of stock	Docket fee	1-12 1-14	McDermott Fenton	5 00 5 00	5 00
Action arose at: Tulsa	Witness fee.		For Ins. Co. of N. America: LeRoy Patton Fenton, Fenton, Smith, Reneau & Moon 405 Investors Capital Building Oklahoma City, Oklahoma 73102		
	Depositions		A. Bob Jordan, 1450 United Founders Life Tower, Oklahoma City, 73112 Samuel Gottesman, Wolgel & Smith 100 Williams St., New York, NY 10038 29 John St		

Continued  
Last page

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-14-67	Complaint filed and summons issued. ds	
7-20-67	Return on service of summons filed. Executed by serving the Community National Life Insurance Co., by serving Atty. Bill Dickey; Served Jimmie J. Ryan each at Tulsa, Oklahoma on 7-17-67. (USM-\$6.00)h	
7-24-67	Return on service of summons filed. Executed by serving Lyndon L. Pearson personally in Alabaster, Alabama on 7-19-67. (USM \$7.36) h	
8-2-67	Ordered by the Court that the defendants, Community National Life Insurance Company, a corporation and Jimmie J. Ryan are granted until September 5, 1967 within which to answer. (Fred Daugherty - Judge) b	
8-4-67	Return on summons, filed. Served Andresen and Co. Inc. by serving Mr. M. Aeder, VP, of Company, at New York, N. Y. on 7-20-67. ds	
8-10-67	Stipulation of plaintiffs that Andresen & Co., Inc may have additional time until 9-11-67 in which to file motion to dismiss or otherwise plead or answer, filed. e	
8-16-67	Answer of defendant Lyndon L. Pearson, filed. e	
9-5-67	Answer of the defendants Community National Life Insurance Company and Jimmie J. Ryan, filed. ds	
9-13-67	Motion of defendant Andresen & Co. Inc., to Dismiss the Complaint, filed, with brief attached. b	
9-17-67	Ordered by the Court that the plaintiffs respond, with brief, to the motion of defendant, Andresen & Co., Inc., to dismiss the complaint, within 15 days from date. (Fred Daugherty - Judge) b	
10-2-67	Ordered by the Court that the plaintiffs are granted until October 16, 1967 within which to respond, with brief, to the motion of defendant, Andresen & Co., Inc., to dismiss the complaint, within 15 days from date. (Fred Daugherty - Judge) b	
10-17-67	Plaintiff's brief in opposition to motion to dismiss, filed, ds. <i>delivered</i>	
12-4-67	Order, filed - defendant Andresen & Co., Incorporated's motion to dismiss is overruled and the said defendant will answer the complaint within 15 days from date. (Fred Daugherty - Judge) Copies mailed. b	
12-18-67	Answer, Cross-Claim and Third Party Complaint filed. Summons issued. g	
1-3-68	Third Party summons, returned and filed: served Insurance Company of North America by serving Walter Hill, Service Agent, at Okla. City on 12-20-67. (USM \$4.72)g	
1-9-68	Separate Answer of Third Party Defendant, Insurance Company of North America to Third Party Complaint and Cross-Claim, filed. ds	
3-29-68	Ordered by the Court that this case is set for pre-trial on Thursday, April 11, 1968 at 9:50 A. M. (Fred Daugherty - Judge) b	
4-11-68	Pre-trial hearing held, Civil Action 67-C-131 consolidated with this action for all purposes. Plaintiff permitted to file amendment to complaint within 10 days, defendants 15 days thereafter to answer amendment to complaint; Community Life Ins. and Ryan granted 15 days to further plead, third-party defendant to file amended answers. Paul Thieman, Jr., to prepare pre-trial order, case to be set on non-jury assignment. (Fred Daugherty - Judge) b	
4-22-68	Notice to take depositions by plaintiff, filed. w	
4-22-68	Plaintiff's notice to take depositions, filed. w	
4-24-68	Plaintiff's first amended complaint, filed. ds	
4-26-68	Amended separate answers of third-party defendant, Insurance Company of North America to third-party complaints and cross-claims in consolidated actions, filed. b	
5-10-68	Deposition of L. L. Pearson, taken by Ala. Ct. Reporting Serv., filed. w	
5-16-68	Plaintiff's motion to produce documents, filed.	
5-16-68	Plaintiff's brief in support of motion to produce documents, filed.	

(Continued on Page No. 3, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-16-68	Notice of Motion, filed. b	
5-17-68	Ordered by the Court that the defendant, Lyndon L. Pearson, comply with plaintiff's motion to produce certain described documents, within 15 days, or if motion is contested defendant shall respond with brief within 15 days from date. (Fred Daugherty - Judge) b	
5-29-68	Letter of Cleeta John Rogers of 5-27-68 to Judge Daugherty, filed; no objection to producing documents as requested by plaintiff's motion to produce, except those in paragraph "A" of the motion; a brief will be submitted as to request in paragraph "A" by June 3, 1968. b	
5-31-68	Plaintiff's motion to defer oral examination of defendant Lyndon L. Pearson; to produce documents for inspection and copying in Oklahoma, filed. b	
5-31-68	Plaintiff's brief in support of motion to defer oral examination of defendant Lyndon L. Pearson and to require defendant Lyndon L. Pearson to produce documents for inspection and copying in Oklahoma, filed. b	
5-31-68	Answer of Lyndon L. Pearson opposing motion to produce documents, filed. b	
5-31-68	Brief of Lyndon L. Pearson in support of answer opposing motion to produce documents, filed. b	
6-12-68	Letter filed, dated 5-27-68, to Judge Daugherty, from Cleeta John Rogers. b	
6-12-68	Letter filed, dated 5-29-68, to Judge Daugherty, from Cleeta John Rogers. b	
6-12-68	Letter filed, dated 5-31-68, to Judge Daugherty, from Crowe & Thieman. b	
6-12-68	Letter filed, dated 6-1-68, from Cleeta John Rogers to Judge Daugherty. b	
6-12-68	Order filed that the defendant Lyndon L. Pearson produce a copy of SEC transcript of testimony to plaintiffs for inspection and copying within 10 days; and furnish the other documents called for by plaintiffs for inspection and copying, if they have not been produced. (Fred Daugherty - Judge) b copies mailed to counsel.	
6-12-68	Order filed, upon consideration of plaintiffs' motion to defer oral examination of defendant Lyndon L. Pearson and to require defendant Lyndon L. Pearson to produce documents for inspection and copying in Oklahoma, parties referred to above order, plaintiffs had the power to re-set the taking of depositions. (Fred Daugherty - Judge) b copies mailed to counsel. b	
6-13-68	Plaintiff's notice to take depositions of Ray Conard, et al., filed. b	
6-21-68	Motion for protective order, filed. ds	
6-21-68	Brief in support of motion, filed. ds	
6-21-68	Notice of motion, filed. ds	
6-21-68	Return on 4 deposition subpoenas, filed. Executed by serving Lynn R. Helm, Russell Hunt, Mac W. Rupp and Ray Conard at Tulsa, Okla. on 6-14-68. (Fees: \$12.80)w	
7-2-68	Notice of Taking Depositions Upon Oral Examination of Various Deponents, by defendant, Lyndon L. Pearson. filed. js	
7-2-68	Order for Protective Order of Lyndon L. Pearson is denied & Oral arguments on Motion are denied, (FD-J). js Copies sent to all Attorneys.	
7-3-68	Notice of Continuance of Depositions, for July 2, 1968 Continued until Sept. 4, 1968, at 10:00 a.m. at 1450 United Founders Tower, Okla. City. Filed. js of Lyndon L. Pearson.	
7-8-68	Plaintiffs' motion to strike pleadings and stay further proceedings by defendant, Lyndon L. Pearson, filed. b	
7-8-68	Plaintiffs' brief in support of motion to strike pleadings and stay further proceedings by defendant, Lyndon L. Pearson, filed. b	
7-11-68	Order filed, that the proposed deposition hearing in N. Y. City scheduled for July 15, 16, and 17, 1968 by Lyndon L. Pearson of officers of Andresen & Company, are stayed and will not be conducted until further order of the Court. That Lyndon L. Pearson, show cause in writing within 5 days from date why the relief otherwise requested in said motion should not be granted. (FD-Judge)	

(Continued on Page No. 4, Sheet No. 2) Copies mailed.

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-16-68	Answer of defendant, Lyndon L. Pearson, to plaintiff's motion to strike, filed. b	
7-19-68	Interrogatories of Third party defendant insurance company of North America to defendant and Third Party Plaintiff Andresen & Co. Inc. filed. ds (Letter mailed to attorneys Finder, and McDermott)	
7-23-68	Depositions of Russell F. Hunt, on behalf of the plaintiffs, taken before Frank L. Peterson, on 6-24-68 filed. (\$25.90 paid by plaintiffs)h	
7-26-68	Order filed, <del>that</del> denying plaintiffs' motion to strike pleadings and stay further proceedings under Rule 37 FRCP; that the request of the plaintiffs that defendant, Lyndon L. Pearson, be held in contempt of Court is denied; and that the order of the Court entered herein on 7-11-68 staying depositions in New York City of the Officers and Directors of the defendant, Andresen & Company, is now vacated and said depositions may proceed. (Fred Daugherty - Judge) Copies mailed. b	
8-13-68	The deposition of Mac W. Rupp, on behalf of plaintiffs, taken by Frank L. Peterson, on 6-24-68, filed. (\$32.90 pd by plaintiffs) ds	
8-13-68	The deposition of Lynn Helm, on behalf of plaintiffs, taken by Frank L. Peterson, on 6-25-68, filed. (\$40.60 pd by plaintiffs) ds	
7-26-68	Deposition of Raymond B. Conard, taken before Frank L. Peterson, N. P., on behalf of plaintiff, on June 24 and 25, 1968. (Fee \$66.50 pd by pltf.) filed. b	
8-26-68	Answer of defendant and third party plaintiff, Andresen & Co. Incorporated to interrogatories of third party defendant Insurance Company of North America, filed. b	
9-20-68	Case set for pre-trial on November 18, 1968, at 11:45 A.M. (FD-J)g	
10-2-68	Motion to Limit Scope of Examination, filed. ds	
10-2-68	Plaintiff's brief in support of motion to limit scope of examination, filed. ds	
10-7-68	Order filed on plaintiff's motion to limit scope of examination, that defendant, Lyndon L. Pearson, conduct further depositions of the New York City witnesses in good faith in compliance with Rule 26 and 30 of FRCP. (Fred Daugherty-Judge) Copies mailed to counsel. b	
10-31-68	Ordered by the Court that this case is stricken from the pre-trial assignment of November 18, 1968 by agreement of the parties. (Fred Daugherty - Judge) b	
12-9-68	<del>Further hearing on determination of validity of Arkansas judgment in rem in Oklahoma. Two memorandum briefs of defendants filed in open court. defendant granted permission to file amendment to answer in open Court instanter. Hearing passed until Thursday, December 12th, 1968 at 5:00 P. M. (Fred Daugherty - Judge) b</del>	
12-9-68	<del>Defendants' amendment to answer, filed in open Court. b</del>	
12-9-68	<del>Brief of defendants filed in open court. b</del>	
12-9-68	<del>Memorandum brief of defendants filed in open court. b</del>	
1-2-69	Case set for pre-trial hearing on Wed. 2-5-69 at 11:15 A.M. (FD-J)h	
1-17-69	Case stricken from pre-trial assignment of 2-5-69. (FD-J)m	
1-23-69	Deposition of John Andresen of April 30, 1968, filed. ds	
2-28-69	Request to Admit Facts, by plaintiffs, filed. js	
3-1-69	Motion for Production of Documents filed, by plaintiffs. <i>mailed 3-22</i>	
3-1-69	Brief in support of motion to produce documents filed by plaintiffs. <i>h-mailed 3-22</i>	
3-11-69	Ordered by the Court that the plaintiff having filed a motion for production of documents, and the defendant Lyndon L. Pearson states he will comply with the motion without further action of the Court;	

(Continued on Page No. 5, Sheet No. 3)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	that the other defendants as they are affected by said motion, make arrangements with counsel to comply with said motion on a mutual basis, or if any defendants object to the motion in whole or in part, that they file objections with brief within 10 days from date. (Fred Daugherty - Judge) b	
3-12-69	Defts' Community Natl. Life Ins. Co & Jimmie J. Ryan's response to request to admit facts, filed. m	
3-21-69	Objections and responses of Community National Life Insurance Co., and Jimmie J. Ryan, to plaintiff's motion for production of documents, filed. b <i>mailed</i>	
3-21-69	Brief in support of Community National Life Insurance Co., and Jimmie J. Ryan, to plaintiff's motion for production of documents, filed. b <i>mailed</i>	
4-8-69	Order granting <sup>in part</sup> and denying in part plaintiff's motion to produce documents, filed. (FD-J)g (copies mailed counsel)	
4-14-69	Case set for pre-trial hearing on Monday 4-21-69 at 1:30 p.m. (FD-J)m	
4-21-69	Pre-trial hearing held. Ordered by the Court that the parties file briefs simultaneously within 30 days on the questions of (1) agency question; (2) repurchase agreement enforceability; (3) Test to be applied re: INA defense; (4) \$13.00 or \$14.00 price question; (5) Question of Commerce SEC Case; (6) exemption question. Plaintiff directed to prepare pre-trial order. (Fred Daugherty - Judge) b	
4-23-69	Ordered by the Court that the consolidated cases (67-C-127 and 67-C-131) are abated until further order of this Court for the reason there is a pending receivership action against defendant Community National Life Insurance Company in the Tulsa County District Court. (Fred Daugherty- Judge) b	
5-1-69	Ordered by the Court that the consolidated cases (67-C-127 and 67-C-131) are abated as to further proceedings until further order of this Court. (Fred Daugherty - Judge) b	
7-14-69	<del>Return on service of writ, filed. Served Gladys Peele Barrow at St. Louis, Mo. on 7-7-69. (\$14.24) ds</del>	
7-24-69	Ordered by the Court that this case is set for disposition on Tuesday, August 5, 1969 at 9:30 A. M. (Fred Daugherty - Judge) b	
7-31-69	Ordered by the Court that this case is stricken from the disposition assignment of August 5, 1969. (Fred Daugherty - Judge) b	
8-1-69	Ordered by the Court that this case is set for disposition on Tuesday, August 5, 1969, at 9:30 a.m. (FD-J)m	
8-5-69	Ordered by the Court that the parties are granted 30 days to complete discovery before pre-trial; H. G. Bill Dickey and Troy Kennon are permitted to withdraw as counsel for Community National Life Ins. Co. and Jimmy Ryan. (Fred Daugherty - Judge) (LC-CSR) b	
8-8-69	Plaintiffs' motion to make additional party defendant, filed. m	
8-8-69	Order that Joe B. Hunt, receiver for Comm. Natl. Life Ins. Co. is made an additional party deft. and that he is granted 30 days from date to plead, filed. (FD-J)m (copies mailed)	
8-28-69	Pltfs' motion to require deft. Jimmie J. Ryan to make discovery, filed. m	
8-28-69	Brief in support of motion to require deft. Jimmie J. Ryan to make discovery, filed. m	
9-4-69	Order for Jimmie J. Ryan to show cause within 10 days from date why he has failed to comply with the order of Court dated April 8, 1969 by producing the documents therein specified; and failure of Jimmie J. Ryan to comply with this order to show cause will result in the Court	

(Continued on page 6, sheet 3)



DATE	PROCEEDINGS	Date Order or Judgment Noted
	taking action against him, as provided for in Rule 37(2) F.R.C.P. (Fred Daugherty - Judge) copies mailed to counsel. b	
9-4-69	Motion for abatement, with order abating all proceedings until 11-11-69 with exception of discovery procedure so that case will be ready for trial immediately after 11-11-69, filed. (FD-J)m (copies mailed)	
9-15-69	Response to order to show cause of debt. Jimmie J. Ryan, filed. m <i>mailed</i>	
9-23-69	Motion of defendant, Jimmie J. Ryan, to file cross claim against co-party, Community National Life Insurance Company, filed. b	
9-23-69	Brief in support of motion to file cross claim against defendant, Community National Life Insurance Company, filed. b	
9-24-69	Order filed, that motion of defendant, Jimmie J. Ryan, to file cross-complaint against co-party, Community National Life Insurance Company is stricken without prejudice. (Fred Daugherty - Judge) copies mailed. b	
10-6-69	Answer of Defendant, Jimmie J. Ryan, filed. ds	
10-6-69	Defendant, Jimmie J. Ryan's, first interrogatories to plaintiffs, filed. ds	
10-7-69	Order, overruling motion to make discovery, filed. ds (FD-J) <i>copies mailed to all</i>	
10-15-69	Case set for pre-trial hearing Tuesday 11-18-69 at 3:45 p.m. (FD-J)m	
10-28-69	Answers of plaintiffs to defendant Jimmie J. Ryan's First Interrogatories to Plaintiffs, filed. g	
10-27-69	Case stricken from pre-trial assignment of 11-18-69 by agreement of counsel. (FD-J)m	
11-18-69	Notice of taking depositions upon oral examination, filed, by attorneys for defendant, Lyndon L. Pearson. ds subpoenas issued.	
11-24-69	Return on deposition subpoena filed. Returned unserved, Jimmie J. Ryan not found in NDO. ds	
12-9-69	Depositions of Howell Clayton Wilborn and D. Bruce MacClary, taken by Thomas E. Dempsey, Birmingham, Alabama, filed. g	
12-9-69	Deposition of James A. Head (Volume 3), taken before Thomas E. Dempsey, Birmingham, Ala., filed. g J. Ryan	
1-2-70	Notice of taking deposition of George T. Kamataris & Jimmie/ upon oral examination on Jan. 9 and 20, 1970, respectively, filed. g	
1-6-70	Amended notice of taking depositions upon oral examination, filed. g	
1-8-70	<b>Minute Order: Case set for pre-trial hearing on Wed. 1-28-70 at 11:30am. (FD-J)h</b>	
1-9-70	Defendant, Jimmie J. Ryan's answers to third party defendant, insurance Company of North America's interrogatories, filed. ds	
1-9-70	Third party defendant Insurance Company of North America interrogatories to Jimmie J. Ryan, filed. b	
1-28-70	Deposition of Lyndon L. Pearson, for Plaintiff, filed (\$257.00). js	
1-28-70	<b>Cross Complaint Against Defendant, Community National Life Insurance Co. filed. h (by Jimmie J. Ryan)</b>	
1-28-70	Pre-trial hearing held. Statements made. Jimmy Ryan withdraws demand for jury trial and all parties agree that consolidated cases are to be tried by the court without a jury. Defendants Community National Life, Jimmy Ryan and Lyndon L. Pearson are to file answers to the cross-claim or claims of Insurance Company of North America within 10 days. Defendant Andreson & Co. to file answer or adopt previous answer to amended complaint of plaintiff within 10 days. Joe B. Hunt, Ins. Commr. of Okla., granted 10 days in which to substitute himself as plaintiff as receiver for Community National Life Ins. Co. Agreed that Joe B. Hunt will adopt all pleadings on file by Community Natl. Life Ins. Co. Defendant Jimmy Ryan granted 10 days in which to file a cross-claim against Community Natl. and it is granted 10 days thereafter to answer the same, said cross-claim and answer to apply to both cases. Defendants Community Natl., Jimmy Ryan and Lyndon L. Pearson	

(Continued on Page 7, Sheet No. 4)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	granted 10 days in which to file answers to the cross-claim or claims filed against them by Andreson & Company. Andreson & Company granted 20 days to file motion to elect with supporting brief with plaintiff to respond thereto with supporting brief within 15 days thereafter. Plaintiff to prepare pre-trial order as soon as possible, circulate the same for approval and submit to the court for signature and filing herein. Parties directed to prepare trial briefs on issues pertinent to them. (Fred Daugherty - Judge) copies mailed to counsel. b	
2-2-70	Transcript of oral deposition of George T. Kamataris, filed. Deposition taken 1-8-70 for defendant, Lyndon L. Pearson. \$60.50 paid by defendant. ds	
2-4-70	Defendant, Andresen & Co., Inc's answer to First Amended Complaint, filed. b	
2-6-70	Answer of Defendant Joe B. Hunt, Receiver of Community National Life Insurance Company to the Cross-Claim of Insurance Company of North America filed. h	
2-9-70	Answer of Defendant, Mimmie J. Ryan to the Cross-Claim of Insurance Co. of North America filed. h	
2-9-70	Answer to Third Party Complaint of Andresen and Co., Inc., a corp., by Third Party Defendant, Jimmie J. Ryan filed. h	
2-6-70	Answer to Third Party Complaint of Andresen and Co., Inc., a corp. by Third Party Defendant, Joe B. Hunt, Receiver for Community National Life Insurance Co., filed. h	
2-6-70	Substitution of Party defendant filed. It is ordered that by stipulation that Joe B. Hunt, Receiver for the defendant Community Natl Life Ins. Co. shall be a substitute party defendant for defendant Community Natl Life Ins. Co. h	
2-10-70	Answer of Lyndon L. Pearson to cross-claim of defendant, Andresen and Company and of third-party defendant, Insurance Company of North America, filed. b	
2-11-70	Notice of taking deposition upon oral examination, filed. m	
2-17-70	Motion of defendant Andresen & Co. Inc. for further extension of time to file motion requiring plaintiffs to elect, with supporting brief, filed. g	
2-17-70	Motion of defendant, Joe B. Hunt, Receiver for Community National Life Insurance Company for extension of time to file a motion requiring plaintiffs to elect, filed. b	
2-17-70	Order (a part of motion) filed that Joe B. Hunt, Receiver for Community National Life Insurance Company, is granted until February 27, 1970 in which to file a motion for plaintiffs to elect and brief in support of the motion, filed. (Fred Daugherty - Judge) Copies mailed to Ellison, McDermott & Thieman b	
3-5-70	Deposition of Alex L. Kallay on behalf of defendant Pearson, taken by Loyd J. Christesson on 12-19-69, filed. (\$34.00)g	
3-5-70	Deposition of Malcolm Murray McCune on behalf of defendant Pearson, taken by Loyd J. Christesson on 11-25&26-1969, filed. (\$67.00)g	
3-5-70	Deposition of Rex D. Frates on behalf of defendant Pearson, taken by Loyd J. Christesson on 11-26-69, filed. (\$90.00)g	
3-20-70	Plaintiffs' request for admissions directed to Joe B. Hunt, filed. g	
3-20-70	Plaintiffs' interrogatories to Joe B. Hunt, Receiver, filed. g	
3-20-70	Plaintiffs' request for admissions directed to Andresen & Co., filed. g	
3-20-70	Plaintiffs' request for admissions directed to Jimmie J. Ryan, filed. g	
3-27-70	Defendant, Jimmie J. Ryan's response to request for admission, filed. b	
3-31-70	Statement in response to request for admission, filed by deft. Joe B. Hunt, m	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-31-70	Answer of deft. Joe B. Hunt, Ins. Commissioner of the State of Okla. & Receiver for Comm. Natl. Life Ins. Co. to pltf's interrogatories, filed. m	
4-3-70	Response of Andresen & Co., Inc., to pltf's request for admission, filed. m	
4-7-70	Ordered by the Court that this case is set for non-jury trial on Monday, July 13, 1970 at 9:30 A. M. (Fred Daugherty - Judge) b	
6-8-70	Continued deposition of Jimmie J. Ryan, taken in Los Angeles, Calif., March 4, 1970, filed. b	
6-23-70	Notice of taking deposition upon oral examination, filed. v	
6-23-70	Notice of taking depositions upon oral examination, filed by Plaintiff. filed. v	
6-30-70	Third-party defendants' notice of taking deposition of W. Bew White, Jr., filed. b	
7-8-70	Return of Civil Subpoena, on Rex D. Frates and M. Murray McCune, on July 6, 1970 at Tulsa, Oklahoma. filed. v	
7-8-70	Return of Civil Subpoena, on Alex L. Kalley on July 7, 1970 at Tulsa, Oklahoma, filed. v	
7-8-70	Return of Civil Subpoena, on Russel F. Hunt (1st Nat'l Bk), Mac W. Rupp (NBC), Sam P. Daniel, Jr. (Atlas Life), and David Rolle, on July 6, 1970 at Tulsa, Oklahoma. filed. v	
7-8-70	Answer of defendants, Community National Life Insurance Company and Joe B. Hunt, Insurance Commissioner receiver of Community National Life Ins. Co. to cross-Claim of defendant, Jimmie J. Ryan, filed. b	
7-13-70	Deposition of Wm. Bew White, Jr., taken at Birmingham, Alabama, filed. b	
7-13-70	Return on subpoena duces tecum filed. Served Ray Conard at Tulsa, Oklahoma, on 7-8-70. (\$4.24. Return on subpoena filed. Served Lynn R. Helm at Tulsa, Okla on 7-9-70. (\$5.36)	
7-13-70 June 20,	Motion of Joe B. Hunt, Ins. Commr, etc., to require plaintiffs to elect, filed. b	
7-20-70	Deposition of John H. Bankhead and exhibits, filed. b	
7-24-70	Amended answer of defendant Joe B. Hunt, Receiver for Community National Life Insurance Company, filed. ds	
7-24-70	Amended answer of defendant Joe B. Hunt, receiver for community National Life insurance company to third party complaint of Andresen, filed. ds	
7-13-71	Motion (by telegram) of counsel for Pearson for continuance of trial, filed.	
7-13-70	Pre-trial order, filed in open Court. (Fred Daugherty - Judge) b	
7-13-70	Offer of Proof, filed in open Court by plaintiffs. b	
7-13-70	Motion of third-party defendant Lyndon L. Pearson for order of the Court requiring plaintiffs to elect, filed in open court. b	
7-13-70	Motion of third party defendant Insurance Company of North America for order of the Court requiring plaintiffs to elect, filed in open Court. b	
7-16-70	Brief of Community National Life Insurance Company in support of motion to elect, filed in open Court. b	
7-29-70	Amended answer of Jimmie J. Ryan to plaintiffs' complaint filed in open Court. b	
7-29-70	Amendment to amended separate answer of third party defendant Insurance Company of North America to third party complaint, filed in open court. b	
7-29-70	Amended answer of Lyndon L. Pearson to complaint of plaintiffs, filed in open court. b	
7-13-70	Case tried to Judge Daugherty on July 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29 and 30, 1970, Findings of Fact and opinion dictated into the record; Andresen & Co. and INA to file briefs contemporaneously (Sheet 5, Page No. 9)	



DATE	PROCEEDINGS	Date Order or Judgment Noted
	on the recoupement question within 30 days; and that entry of judgment is withheld until after such question has been decided. (Fred Daugherty - Judge) b	
7-30-70	Trial exhibits, filed. (2 envelopes. b	
9-1-70	Ordered by the Court that the parties are granted an extension of 30 days within which time to file briefs on the recoupement question. (Fred Daugherty - Judge) b	
9-28-70	Memorandum of Andresen & Co., incorporated respecting the INA claim of recoupment, filed. b	
9-30-70	Memorandum brief of third party defendant Insurance Company of North America relating to rights of the Surety to any recovery by the obligee from the principal, filed.	
10-16-70	Supplemental Memorandum Brief of Third Party Defendant Insurance Company of North America Relating to application of recovery by Andresen under the bond sued upon, filed. ds	
11-25-70	Motion To Sever Issues Between Deft. Andresen & Co., & 3rd Party Deft. Insurance Co. of North America & and to enter Judgment in Accordance with the Courts previous Findings of Fact and Conclusions of Law, filed. js	
11-25-70	Brief in Support of Motion. filed. js	
11-30-70	Additional Findings of Fact, Conclusions of Law and Decision of the Court, filed; plaintiff will prepare a judgment based on the F/F C/L and decision made in open court and the additions thereto and present same to the Court for signature and entry. (Fred Daugherty-Judge) copies mailed to counsel b	
11-30-70	Order filed denying plaintiffs' motion to sever issues between defendant, Andresen & Co. and Third Party Defendant, Insurance Company of North America and to Enter Judgment in Accordance with the Court's Previous F/F and C/L is denied as being moot in view of the Additional F/F and C/L and decision of the Court entered herein of even date which authorized the immediate entry of judgment as to the entire case. (Fred Daugherty-Judge) copies mailed b	
12-3-70	Judgment against Andresen & Company in the amount of \$120,000 with interest of 10% from 8-1-66 until paid; \$10,000 plus 6% interest from 2-1-67 to date hereof and from & after date of this Judgment, interest at 10% until paid; \$30,000 additional sum for attorneys fees. Judgment against Lyndon L. Pearson, Joe B. Hunt, receiver for Community Nat'l Life Ins. Co., and Jimmie J. Ryan in the amount of \$120,000. with 10% interest from 8-1-66 until paid; and \$30,000 additional sum for attorneys fees. Judgment against Insurance Co. of North America (INA) in the \$130,000 with interest at following rates - of the sum of \$120,000. 10% interest from 8-1-66 until paid, and of the sum of \$10,000., 6% interest from 2-1-67 to date of this judgment and interest thereafter at the rate of 10% until paid. \$30,000 for attorneys fees. \$25,460.66, for attorneys fees. filed and entered. Filed. v <i>copies mailed to all attys</i>	
12-11-70	Separate motion of third party defendant, Insurance Company of North America, for a new trial, with memorandum attached, filed. b	
12-11-70	Separate motion of the defendant Andresen & Co., Inc., to amend Findings and Judgment, or in the alternative for new trial, filed. b	
12-14-70	Order that separate motion of third party deft. Ins. Co. of N. Amer. is overruled, filed and entered. (FD-J)m (copies mailed <i>all</i> counsel)	
12-14-70	Order that separate motion of deft. Andresen & Co., Inc. to amend F/& Judgment or in the alternative for new trial, is overruled, filed and entered. (FD-J)m (copies mailed <i>all</i> counsel) (Contd. P.10 Sheet No.5)	

## Sheet No. 5

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-14-70	Motion of defendant, Lyndon L. Pearson, for new trial, filed. b	
12-14-70	Order filed, that defendant, Lyndon L. Pearson, is granted to and including 12-21-70 to file brief in support of motion for new trial. (Fred Daugherty - Judge) b	
12-18-70	Pltf's bill of costs in the amt. of \$4,745.40, filed. Taxing set before the Clerk on 12-29-70 at 10:00 a.m. m	
12-22-70	Motion of defendant, third party, to stay proceedings for enforcement of judgment pending disposition of appeal from said judgment to the USC of A for the 10th circuit, filed. b	
12-22-70	Order staying execution to enforce judgment entered against Insurance Company of North America, pending the disposition of an appeal to the CCoA for the 10th Circuit provided that the defendant shall file herein its bond, with surety to be approved by the Court, on or before January 4, 1971, in the amount of \$300,000.00 conditioned for the satisfaction of said judgment in full, with interest and costs, in the event that said judgment is affirmed. or for satisfaction of said judgment as it may be modified upon determination of said appeal, filed, dated 12-18-70. (Fred Daugherty - Judge) b	
12-23-70	Brief in support of defendant Lyndon L. Pearson's motion for new trial, filed.	
12-28-70	Ordered by the Court that the plaintiff respond to the defendant, Lyndon L. Pearson's motion for new trial, with supporting brief, and supporting documents as plaintiffs may desire to submit, within 10 days from date. (Fred Daugherty - Judge) b	
12-29-70	Hearing held before John H. Poe, Clerk on taxation of costs. Plaintiff represented by Paul Thieman; Andresen & Co. represented by Don Hammer; INA represented by LeRoy Patton. Statements made. Hearing continued to January 15, 1971 at 10:00 A. M. for plaintiff to submit itemized statement of reporter's charges on depositions. (John H. Poe - Clerk) b	
1-4-70	Supersedeas bond of Insurance Company of North America in the amount of \$300,000.00, surety Federal Insurance Company, filed. (Approved Fred Daugherty - Judge) b	
1-7-71	Addendum to motion of Lyndon L. Pearson for new trial, filed. b	
1-7-71	Brief of plaintiffs in opposition to defendant Lyndon L. Pearson's motion for new trial, filed. b	
1-11-71	Amendment to Lyndon L. Pearson's motion for new trial, filed. b	
1-11-71	Brief in support of defendant Lyndon L. Pearson's amendment to motion for new trial, filed. b	
1-11-71	Reply brief of Lyndon L. Pearson supporting motion for new trial, filed. b	
1-12-71	Notice of appeal by Insurance Company of North America, filed. g (copies mailed to USCA & all counsel of record.)	
1-12-71	Notice of appeal by Andresen & Co., filed. g (copies mailed to USCA and all counsel of record.)	
1-12-71	Order filed, that the motion of the defendant Lyndon L. Pearson for a new trial is overruled and denied. (Fred Daugherty-Judge) copies mailed to all counsel of record. b	
1-12-71	Bond for costs on appeal, Andresen & Co., principal and The Travelers Indemnity Co., surety, filed. g	
-15-70	Pursuant to prior continuance to this date, hearing is held before John H. Poe, Clerk, on taxation of costs. Plaintiff represented by Paul Theiman, Jr. Andresen & Co represented by R. B. McDermott and Insurance Company of North America represented by Edgar Fenton. No other parties appearing. Andresen & Co. and Insurance Company of	

(Continued Page 11, Sheet No. 6)

DATE	PROCEEDINGS	Date Order or Judgment Noted
	North America objected to allowance of cost because of untimely filing of Bill of Costs. Objections sustained and allowance of costs denied in view of Woods Construction Co. VS Atlas Chemical Industries, Inc. (USCA 10th Circuit), 1964, 337 F(2) 888, as Bill of Costs was not filed within the 10 days after entry of judgment as required by Rule 6(e) of the Rules of this Court. (John H. Poe Clerk) b	
1-20-71	Defendant, Lyndon L. Pearson's motion to reconsider order, filed. b <i>mailed</i>	
1-20-71	Plaintiffs' motion to review action of clerk and motion for extension of time to file bill of costs, filed. b <i>mailed</i>	
1-20-71	Plaintiffs' brief in support of motion to review action of clerk and motion for extension of time to file bill of costs, filed. b <i>mailed</i>	
1-26-71	Order denying motion to reconsider order entered 1-12-71 (motion of Lyndon L. Pearson for a new trial), filed. (FD-J)m (copies mailed)	
1-26-71	Transcript of evidentiary proceedings (6 vols.), filed. Lee Cook, CSR.g	
2-9-71	Motion of Insurance Co. of North America to extend time to docket appeal, filed. g	
2-9-71	Order extending time to transmit appeal extended to 3-23-71. (FD-J)g cpy to USCA & counsel.	
2-10-71	Notice of appeal of Lyndon L. Pearson, filed. ds Copies mailed to USCA & all counsel. g	
2-16-71	Bond on appeal, filed. (Lyndon L. Pearson, principal, U. S. Fidelity & Guaranty, surety)g	
2-16-71	Motion of Lyndon L. Pearson for variance from Rule 10, F.R.A.P., and statement of issues on appeal, filed. g	
3-5-71	Defendant Lyndon L. Pearson relieved from ordering transcript by USCA. (Letter of 3-2-71)g	
3-12-71	Amendment to notice of issues to be presented on appeal by Lyndon L. Pearson, filed. g	
3-18-71	Transcript of trial proceedings (Clerk's copy - 6 vols.) filed. g	
3-22-71	Application of Insurance Co. of North America to retain trial exhibits (Vols. 14, 15, 16 & 17) for preparation of briefs and appendices, filed. g	
3-22-71	Order authorizing retention of trial exhibits, filed.(FD) copies mailed.g	
3-22-71	Appeal record (13 vols.) forwarded to USCA, Denver. g	
3-24-71	Order, filed, that plaintiffs' motion to order the Clerk to tax the costs or in the alternative to grant an extension of time in which to file their bill of costs is denied in its entirety. (FD-J)m (copies mailed)	
3-26-71	Corrected order filed and entered the action of the Clerk in refusing to tax the costs was corrected and is approved by the Court. The Plaintiff's motion to order the Clerk to tax the costs or in the alternative to grant an extension of time in which to file their bill of costs is denied in its entirety. (Fred Daugherty - Judge) (Copies mailed. b	
4-8-71	Execution, issued. js	
4-9-71	Execution, returned & filed - no property found upon which to levy, returned unsatisfied. (USM \$3.00)g	
4-14-71	Thieman's letter to Judge Daugherty in regard to costs being taxed, filed. b	
4-14-71	Copy of Judge Daugherty's letter to F. Paul Thieman, Jr., in regard to taxing costs, filed. b	
4-19-71	Letter from A. Bob Jordan in regard to cost bill, to Judge-Daugherty, filed. b	
7-16-71	Letter from USCA directing supplemental record, filed. g	
7-16-71	Supplemental appeal record (10 depositions) sent to USCA, Denver g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-3-71	Satisfaction of judgments recovered by plaintiffs from Andresen & Co. on 12-3-70, filed. g	
9-14-71	Satisfaction of judgment ( Agreement and release) by Alex L. Kallay, et al, from Andresen & Co., filed. Judgment of 12-3-71 against Insurance Company of North America. ds	
9-14-71	Release of supersedeas bond, filed. ds	
9-27-71	CC of Order of USCA dismissing the appeal of Andresen & Co. Inc. v Alex L. Kallay, et al. (71-1189) and the appeal of Insurance Co. of North America v. Andresen & Co., Inc. (71-1190) on appellants' motions, filed. g	
11-29-71	Covenant not to institute proceedings for enforcement of judgments against Lyndon L. Pearson, filed. ds	
11-29-71	Partial release of judgment by Andresen & Co. Inc. , of Lyndon L. Pearson from judgment of 12-3-70, filed. ds	
12-15-71	C.C. of Order of USCA, 10th Circuit, dismissing appeal as to Lyndon L. Pearson on motion of the appellant, filed. g	
4-6-72	Appl for entry of Judgment against Jimmie J. Ryan and Community Nat'l Life Ins. Co., filed. r	
4-6-72	Judgment filed and entered, that the 3-rd Party Pltf, Ins. Co. of No. America, have and recover judgment against the Third Party Defts, Jimmie J. Ryan and Community National Life Ins. Co., jointly and severally, in the amount of \$207,000. w/int. at rate of 10% per annum from 8-31-71 until Judgment herein is paid together with all accruing costs of action, all for which let execution issue, filed. and entered. (FD-J)r (copies mailed to all attys)	
4-10-72	Garnishment affidavit, filed. hm	
4-11-72	Garnishment summons, ret. & filed: served Ainslie Perrault, Tulsa, Ok., 4-10-72. (\$3.00)g	
4-20-72	Garnishee's Answer, filed. r	
4-26-72	Motion to Intervene as a deft under rule 24, Fed. Rules Civil Procedure, of Joe B. Hunt, Ins. Comm. Filed. r	
4-28-72	Brief in support of Motion for Intervention, filed. r	
5-2-72	Copy of letter dated 4-28-72 from J. D. to Robert Petrick, stating is is desired that the Ins. co of No. America respond to the Garnishee Answers requests and do so with supporting brief. Ten (10) days are allowed within which to file said response. Filed. r	
5-3-72	Copy of letter dated 5-2-72 from J. D. to Robt Petrick & Ainslie Perrault, stating that it is desired that the 3rd-Party Deft. Ins. Co. Of No. Amer. and the Garnishee Anslie Perrault each respond to said Motion to Intervene and if the same is opposed support each Response with a brief relied upon in opposition to the Motion. Ten days from date are allowed within which to file said Response, filed. r	
5-8-72	Motion for ext of time to respond to answer of Garnishee & respond to Community Life Insurance Company's Anwer, filed. r	
5-8-72	Order denying Motion to Intervene as deft of Joe B. Hunt and leave is granted said deft to file its Intervenor's Answer as the same was presented to the Court with said Motion to Intervene. Filed. (FD-J)r (copies mailed)	
5-8-72	Order filed that the response to Answer of the Garnishee & the Response to the Answer of the Receiver for Comm Nat'l Life Ins. should be extended until the 7th day of July, 1972, filed. (FD-J)r (copies mailed)	
5-8-72	Intervenor's Answer, filed. r	
5-8-72	Response of Garnishee, filed. r	

(OVER)

D. C. 110A Rev. Civil Docket Continuation

⊗

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-10-72	Response and request for courts determination on issue of ownership of proceeds of the Ainslie Perrault note of the 3rd party Pltf ins. Co. of No. America, filed. r <i>to file in ab file</i>	
8-25-72	Deposition of Talmadge Kolb taken on behalf of 3rd pty defs. on 8/11/72, filed. (fees \$52 pd by 3 pty def.) rm	
8-25-72	Case set for hearing on request for Courts determination on issue of ownership of proceeds of the Ainslie Perrault note of the Third party plaintiff INA 9-20-72 at 9:30 a.m. (FD-J)hm	
9-20-72	Case called for Hearing, But was converted to a Pre-Trial Hearing. I.N.A. rep by Robert Petrick & Edgar Fenton; C.N.I. rep by L.K. Smith and Deryl Gotcher. Statment made. I.N.A. to file Jurisdictional Brief within 20 days; C.N.I. to respond in 20 days thereafter. C.N.I. to file briefs on limitations and collateral estopo in 20 days; I.N.A. to respond to said briefs within 20 days thereafter. Court directs I.N.A. to file Pre-Trial Order. (FD-J)r	
10-10-72	Memorandum Brief of Ins. Co. of N. America (INA) in re; jurisdiction of the Court in proceedings in garnishment, filed. r	
10-11-72	Brief on Collateral Estoppel (Estoppel by Judgment) filed by CNI. filed. r	
12-14-72	Insurance Company of North America's dismissal of garnishment proceedings as against Ainslee Perrault, Sr., filed. g	
2-14-73	RELEASE & DISCLAIMER, filed, against Comm. National Life Ins. Co., of Judgment filed on 4-6-72. filed. r	
2-7-79	Community National Life Ins. Co. stock certificate issued to Kallay, M. Murray McCune, Gordon A. McCune and Rex D. Frates and tendered at trial 7-13-70 sent to F.R.C. to be added to file of case. (P. Thieman says they have no value)g	

DATE	NAME OR RECEIPT NO.	REC.	DISB.
1-14-71	Fenton	5 00	
1-21-71	C.D.No.33		5 00
2-11-71	Jordan	5 00	
2-18-71	C.D.No. 37		5 00

11-1 Settled.  
Papers to be  
filed in about  
15 days



DATE	PROCEEDINGS	Date Order or Judgment Noted